

DOCKET NO: 267410US26PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MASANOBU IGETA, ET AL. : EXAMINER: CHEUNG LEE
SERIAL NO: 10/527,642 :
FILED: MARCH 14, 2005 : GROUP ART UNIT: 2812
FOR: METHOD FOR FORMING :
INSULATING FILM ON SUBSTRATE,
METHOD FOR MANUFACTURING
SEMICONDUCTOR DEVICE AND
SUBSTRATE-PROCESSING APPARATUS

RESPONSE AND PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated January 25, 2007, Applicants provisionally elect with traverse Group I, Claims 1-15, drawn to a method of forming an insulating film, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

REMARKS/ARGUMENTS

This provisional election is made with traverse. The Restriction Requirement asserts,

[T]he inventions listed as Groups II and I do not relate to a single general inventive concept under PCI Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the apparatus as claimed can be used to practice another and materially different process. For example, the apparatus can be also used to etch films.

The apparatus of the Claim 16 in the Group II is an apparatus for forming an insulating film by s nitrogen radicals and oxygen radicals to a surface of a substrate held in a

processing vessel. The method of the Claim 1 in Group I is a method for forming an insulating film on a substrate to be process by supplying nitrogen radicals and oxygen radicals to a surface of the substrate to be processed. Thus, the methods of Group I and the apparatuses of the Group II have the feature of forming the insulating film on the substrate in common. As a result, the inventions listed in Groups I and II do not lack the same or corresponding special technical features.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

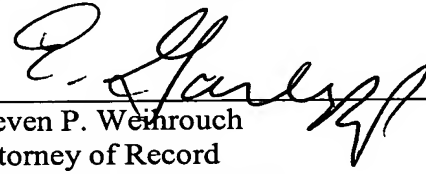
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

It is believed that the claims of the present application would have to be searched in just two sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverses the Restriction Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-20 be conducted

Respectfully submitted,

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